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10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 LORENZO FOSSELMAN, JR.,)
14 Petitioner,) No C 08-3617 VRW (PR)
15 vs.) ORDER OF TRANSFER
16 M S EVANS, Warden,) (Doc # 2)
17 Respondent.)
18 _____)

19
20 Petitioner seeks federal habeas review of the execution of a sentence imposed by
21 the Superior Court of the State of California in and for the County of Stanislaus. He
22 specifically alleges that he was assessed 30 days of time credits against his sentence
23 after he was unlawfully found guilty of a disciplinary charge in 2007, while he was
24 incarcerated at Salinas Valley State Prison.

25 Although petitioner was found guilty of the pertinent disciplinary charge in this
26 judicial district, he is currently incarcerated (and was incarcerated at the time of filing)
27 at Kern Valley State Prison in Delano, County of Kern, which lies in the Eastern District
28 of California. See 28 USC § 84(b). (He was also convicted in the Eastern District.)

Venue is proper in a habeas action in either the district of conviction or the district of confinement, id § 2241(d); however, the district of confinement is the preferable forum to review the execution of a sentence. See Habeas LR 2254-3(a); Dunne v Henman, 875 F2d 244, 249 (9th Cir 1989); cf Laue v Nelson, 279 F Supp 265, 266 (ND Cal 1968) (district of conviction preferable forum to review conviction).

Because the County of Kern lies in the Eastern District of California, the court orders that pursuant to 28 USC § 1404(a) and Habeas Local Rule 2254-3(b), and in the interest of justice, this petition be transferred to the United States District Court for the Eastern District of California.

The clerk shall transfer this matter and terminate all pending motions (see, eg, doc # 2) as moot.

SO ORDERED.


VAUGHN R WALKER
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LORENZO FOSSELMAN JR.,

Case Number: C08-3617 VRW

Petitioner,

CERTIFICATE OF SERVICE

v.

M.S. EVANS,

Respondent.

/

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 6, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Lorenzo Fosselman P-13462
Kern Valley State Prison
P.O. Box 5101
Delano, CA 93216

Dated: August 6, 2008

Richard W. Wieking, Clerk
By: Cora Klein, Deputy Clerk

Cora Klein